

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

SC13-1333

LAURA M. WATSON, NO. 12-613

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**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE  
IN OPPOSITION TO JUDGE WATSON'S MOTION FOR REHEARING  
AND/OR CLARIFICATION AS TO THE CLERK'S ORDER  
DENYING HER PREVIOUSLY FILED MOTION TO STRIKE THE  
JUDICIAL QUALIFICATIONS COMMISSION'S BRIEF FOR INCLUSION  
OF EXTRA-RECORD MATERIAL AND MOTION FOR SANCTIONS**

The Florida Judicial Qualifications Commission ("JQC"), by and through its undersigned counsel, hereby files its Response in Opposition to Judge Watson's Motion for Rehearing and/or Clarification as to the Clerk's Order Denying Her Previously Filed Motion to Strike The Judicial Qualifications Commission's Brief for Inclusion of Extra-Record Material and Motion for Sanctions ("Motion for Rehearing").

**ARGUMENT**

**I. Judge Watson's Motion for Rehearing is Procedurally Improper**

On August 14, 2014, Judge Watson filed her Motion to Strike the JQC's Brief on the basis that it allegedly contains "extra-record" material. The JQC filed its Response to Judge Watson's Motion to Strike on August 29, 2014. After due consideration, this Court issued an Order on October 20, 2014, denying Judge Watson's Motion to Strike ("Order").

On November 4, 2014, Judge Watson filed her Motion for Rehearing. Fla. R. App. P. 9.300(a), which governs motions for rehearing, provides, in pertinent part, that:

A motion for rehearing shall state with particularity the points of law or fact that, in the opinion of the movant, the court has overlooked or misapprehended in its decision, and shall not present issues not previously raised in the proceeding. A motion for clarification shall state with particularity the points of law or fact in the court's decision that, in the opinion of the movant, are in need of clarification.

*Id.*

Here, Judge Watson's Motion for Rehearing makes no attempt to state with particularity the points of law or fact the court overlooked or misapprehended in its order denying her Motion to Strike. Instead, her Motion for Rehearing simply reargues the same points that were raised in her initial Motion to Strike. In fact, by simple comparison of the verbiage in her Motion for Rehearing with the verbiage in her Motion to Strike, it is clear that Judge Watson has simply rehashed, in most instances verbatim, the arguments raised in her initial Motion to Strike. Florida law is well-settled that a motion for rehearing should not be used simply to reargue the merits of a court's decision.<sup>1</sup>

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<sup>1</sup> To the extent Judge Watson's filing is treated as a motion for clarification, the motion is equally infirm because she makes no effort to state with particularity the points of law or fact in the court's Order, which are in need of clarification.

Similar misuse of motions for rehearing has been uniformly criticized by other courts. For instance, in *Lawyers Title Insurance Co. v. Reitzes*, 631 So. 2d 1100, 1101 (Fla. 4<sup>th</sup> DCA 1993), the court condemned the practice of motions for rehearing and/or clarification being utilized “as a last resort to persuade the court to change its mind, or to express . . . displeasure with the court’s conclusion.” The court specifically noted that “the filing of Rule 9.330 motions should be done under very limited circumstances; it is the exception to the norm.” *See also Snell v. State*, 522 So. 2d 407 (Fla. 5<sup>th</sup> DCA 1988) (absent a written opinion, motion for rehearing cannot direct a court to matters overlooked; re-argument improper); *Banderas v. Advance Petroleum*, 716 So. 2d 876 (Fla. 3<sup>rd</sup> DCA 1998) (motion should not be used to express displeasure with court; re-argument improper); *Goter v. Brown*, 682 So. 2d 155, 158 (Fla. 4<sup>th</sup> DCA 1996) (motions for rehearing should merely direct court to matters overlooked, without argument or further advocacy); *Elliott v. Elliott*, 648 So. 2d 135 (Fla. 4<sup>th</sup> DCA 1994) (motion for rehearing should not re-argue matters or request court to change mind or ventilate displeasure with court’s conclusion).

## **II. Judge Watson’s Motion Should Be Denied on the Merits**

Even if considered on the merits, Judge Watson’s Motion for Rehearing should be denied for the reasons previously set forth in the JQC’s Response to Judge Watson’s Motion to Strike filed on August 29, 2014.

## **CONCLUSION**

Judge Watson's Motion for Rehearing is procedurally improper as it nothing more than a regurgitation of the arguments she previously raised in her initial Motion to Strike, which this Court rejected after due consideration. If the Court were to consider the Motion for Rehearing on the merits, however, it should nonetheless be denied be denied for the reasons set forth in the JQC's Response to Judge Watson's Motion to Strike filed on August 29, 2014.

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing  
**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE  
IN OPPOSITION TO JUDGE WATSON'S MOTION FOR REHEARING  
AND/OR CLARIFICATION AS TO THE CLERK'S ORDER DENYING**

**HER PREVIOUSLY FILED MOTION TO STRIKE THE JUDICIAL QUALIFICATIONS COMMISSION'S BRIEF FOR INCLUSION OF EXTRA-RECORD MATERIAL AND MOTION FOR SANCTIONS** has been furnished by **E-Mail** on this 10th day of November, 2014 to the following:

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